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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,012	04/08/2004	Thomas J. Fox	JHM1335	8556

7590 12/30/2004
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EXAMINER

SZUMNY, JONATHON A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,012	FOX, THOMAS J.	
	Examiner	Art Unit	
	Jon A Szumny	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 13 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/8/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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This is the first office action for application number 10/820,012, Leaf Bagger, filed on April 8, 2004.

Priority

Domestic priority of application number 60/461,834 filed on April 11, 2003 is acknowledged.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the Examiner.

Drawings

The drawings are objected to because of the following:

In figure 1, the vertical slots of the connectors 50 are not shown.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

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Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

On page 6, lines 3 and 4, “bottom portion” and “protrusion” both refer to reference numeral 41.

Appropriate correction is required.

Claim Objections

Claims 5, 9, 10, 13, 15 and 17 are objected to because of the following informalities:

In claims 5 and 13, line 1, “wherein there are” should be --wherein said clips comprise-- so as to alleviate any confusion as to whether the “two different types of clips” are further defining the previously mentioned clips or signifying additional clips.

In claims 9 and 17, line 1, “wherein there are” should be --said support frame further comprising--.

In claims 10 and 15, the last line and the first line, respectively, “retainer” should be --retaining-- since “means for retainering” does not make sense.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

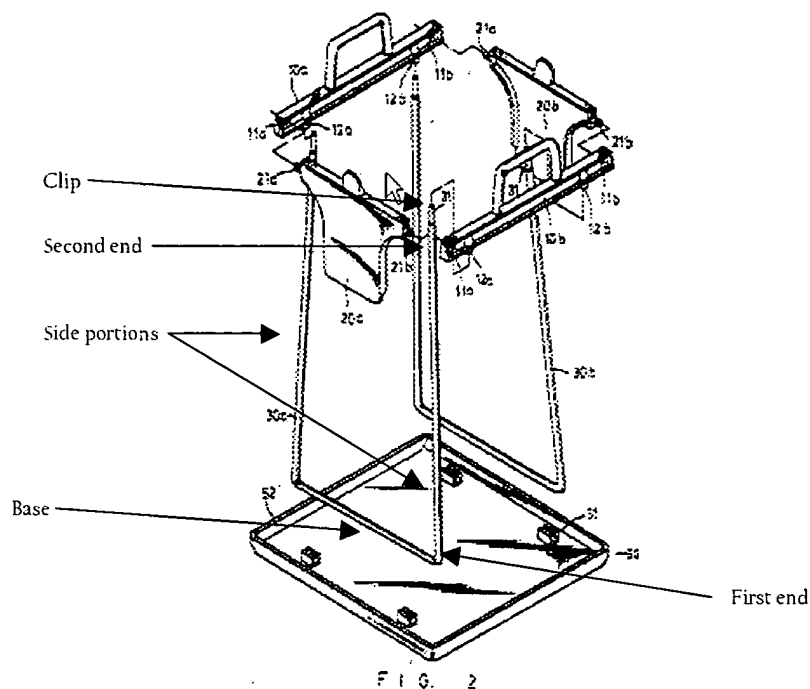
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 8, 10, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,188,005 to Lee.

Lee '005 discloses a support frame (figure 1) comprising first and second side frames (14c,14b), pivot/hinge means (near 21), holding/fixing means comprising a triangular ring (13a-13c), and securing/retainer/retaining means (43), wherein the triangular ring has a plurality of offsets (31,38a-38c, an "offset" is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as being "a displacement or abrupt change in dimension or profile of an object", so clearly, at the region of the holes 31,38a-38c, there is an offset positioned on the ring), wherein each side frame has a base (bottom of 32), a first side (left side of frame) connected to one side of the base and a second side (right side of frame) connected to another side of the base.

Claims 1, 2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,263,672 to He.



He '672 discloses a support frame (figure 2) comprising first and second side frames (30a,30b), pivot/hinge means (51), holding/fixing means (10a,10b), and securing/retainer/retaining means (20a,20b), wherein each of the side frames comprises two side portions (above) and a base (above), the side portions have a first end adjacent the base and a second end (above), wherein the support frame further includes another securing means (12a,12b), wherein a first side portion is connected to one side of the base and the other side portion is connected to another side of the base.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

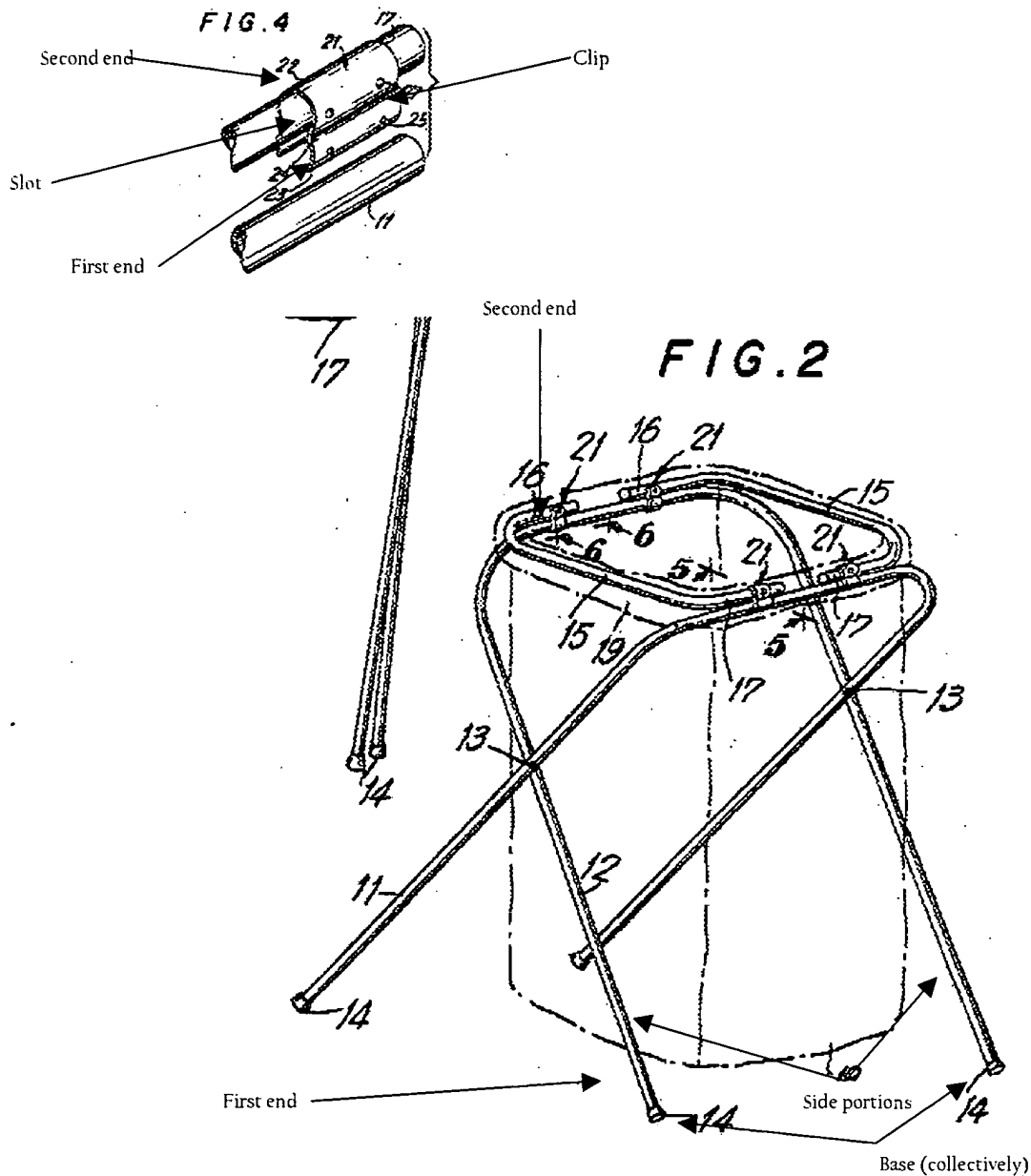
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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over He '672 in view of U.S. Patent number 3,502,291 to Ackerman et al.

Regarding claim 11, He '672 teaches the previous invention failing to specifically teach the first and second sides of each frame to be hollow. Nevertheless, Ackerman et al '291 divulges a support frame (figure 2) with first and second side frames each including first and second hollow sides (figure 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first and second sides of each side frame of He '672 so as to be hollow as in Ackerman et al. '291 so as to provide for a more lightweight device. Further, with respect to claim 12, He '672 teaches a plurality of clips (above, they are clips because a clip is defined in Merriam Webster's Collegiate Dictionary - 10th Edition as "any of various devices that grip" and clearly these "grip", see column 2, lines 48-49, "frictionally") inserted into hollow members 12a,12b, but fails to specifically teach vice versa wherein the clips are inserted into hollow first and second sides of each frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have reversed the parts so that the clips are inserted into hollow first and second sides of each frame since a reversal of parts is held to be an obvious expedient. See *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955). Further, after such a reversal, the clips inherently receive and hold the fixing means (although a rigid attachment, the clips do in fact receive and hold the fixing means).

Claims 1-4, 7, 10, 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent number 3,502,291 to Ackerman et al. in view of U.S. Patent number 6,511,110 to Roye.



Ackerman et al. '291 discloses a support frame (figure 2) comprising first and second hollow side frames (11,12), pivot/hinge means (13), holding/fixing means (15), wherein each of the side frames comprises two side portions (above) and a base (above), the side portions have a first end adjacent the base and a second end (above), wherein the support frame further includes another securing means comprising clips (above), wherein the clips have a first end (above)

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connected to the second ends of the side portions and the clips have a second end (above) remote from the second ends of the side portions, wherein the second end of the clips have receiving means comprising slots (above), wherein the first side of each side frame is connected to one side of the base and the second side to another side of the base.

However, Ackerman et al. '291 fails to specifically teach the support frame to comprise securing/retainer/retaining means. Regardless, Roye '110 divulges a support frame (figure 2) including first and second side frames (28) with holding means (14) and securing means comprising a concave element (32) attached thereto. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included securing means on the support frame of Ackerman et al. '291 as in Roye '110 so as to prevent inadvertent disengagement of a bag from the support frame.

Allowable Subject Matter

Claims 5, 9, 13 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 5 and 13, the prior art as applied against claims 3 and 12 failed to further specifically teach the clips to comprise two different types of clips, one of the clips having a slot with a horizontal opening and another of the clips having a slot with a vertical opening.

Regarding claims 9 and 17, the prior art as applied against claims 8 and 16 failed to further specifically teach the support frame to include two different types of clips, one of the

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clips having a slot with a horizontal opening, and another of the clips having a slot with a vertical opening, wherein the offsets are received in the slots.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barth '656, Sims '287, Burchell '835, Beamish '996, Smith '699, Ferreira et al. '085, Walker '520, Wenzel et al. '101 and Haley, Sr. '925 teach various support frames including first and second side frames, holding means and securing means.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
December 23, 2004